JANSEN - 09/989,717 Amendment filed November 15, 2004 Page 11

REMARKS

After introduction of the amendment set forth above, claims 2-16, 22, 24, 35, 37, 39-40 and 41 will be pending in the application of which claims 1, 39, and 41 are independent. Applicants thank the Examiner for indicating the allowability of claims 11-14 and 37-38. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Claims 5 has been rejected under 35 U.S.C. § 112, first paragraph for lack of enablement. Claims 5, and 22-25 have been rejected as being indefinite. Claims 22-25 have been rejected under 35 U.S.C § 101 for failing to define the process claimed. Claims 9 and 24 have been objected to as being of improper depended form. Claims 1-10, 15-16, 22-25, 35-36 and 39-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moussa *et al.* in view of Decker.

With respect to the rejections, Applicants respectfully offer the following comments..

Claim 5 is enabled to one skilled in the art by the discussion contained throughout the detailed discussion detailing the selection of components. Claim 5 has further been amended to remove the indefiniteness identified and is believed to be in allowable form. Claim 5 has also been amended to exclude all carbonates of the Moussa general formula (I) and no longer is obvious in view of Moussa and Decker. The amendments to the claims in this response and the previously entered Supplemental Preliminary amendment are believed to address the other rejections identified by the Examiner.

In view of these arguments and the amendments to the claims, Applicants respectfully request reconsideration and withdrawal of the rejections.

Therefore, as all objections and rejections having been addressed and overcome, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is carnestly solicited.

JANSEN - 09/989,717 Amendment filed November 15, 2004 Page 12

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Please charge any fees associated with the submission of this paper to counsel's Deposit Account Number 503-121. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
MAYER BROWN ROWE & MAW

эy. <u>//</u>

Paul L. Sharer Registration No. 36,004 Direct No. (202) 263-3340

Facsimile (202) 263-5340

Mayer, Brown, Rowe & Maw LLP Intellectual Property Group 1909 K Street, N.W. Washington, D.C. 20006 Customer No.: 000043569

Attorney Docket No.: 102456-40283276